

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
BEVERLY FREDERICKS, LAVANNA FREDERICKS,  
AND DELROY MARCUS,

Plaintiffs,

-against-

THE CITY OF NEW YORK, POLICE COMMISSIONER  
RAYMOND W. KELLY, POLICE OFFICER  
GALLAWAY, POLICE OFFICER RAMIK, POLICE  
OFFICER ANDREW ZARKEWICZ, SHIELD #08734,

Defendants.  
-----X

**NOTICE OF MOTION  
FOR SUMMARY  
JUDGMENT BASED  
ON QUALIFIED  
IMMUNITY**

08 CV 2514 (CM)

**PLEASE TAKE NOTICE** that, pursuant to the individual practices of the Honorable Judge McMahon defendants<sup>1</sup> City of New York, Police Commissioner Raymond Kelly, and Police Officer Zarkewicz will move this Court before the Honorable Colleen McMahon, United States District Judge, at the United States District Court for the Southern District of New York, located at 500 Pearl Street, New York, New York, at a date and time to be determined by the Court, for Summary Judgment pursuant to Rule 56 of the Federal Rules of Civil Procedure based on Qualified Immunity and in accordance with Judge McMahon's individual practices, on the grounds that the defendants', Commissioner Kelly and Police Officer Zarkewicz are entitled to qualified immunity on some or all of plaintiffs' claims.


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<sup>1</sup> Upon information and belief, the individuals identified in the caption of the Complaint as "Police Officer Gallaway" and "Police Officer Ramik" have not been served with the Summons and Complaint and therefore, are not defendants in this action at this time. Defendants reserve their right to move pursuant to Rule 56 of the Federal Rules of Civil Procedure based on Qualified Immunity on behalf of "Police Officer Gallaway" and "Police Officer Ramik" if they are properly served with process and are parties to this action.

**PLEASE TAKE FURTHER NOTICE** that such motion will be submitted following the prescribed period of discovery set forth in the Court's Individual Practices.

Dated: New York, New York  
June 2, 2008

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Raymond Kelly and Police Officer  
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TO: BY ECF  
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***MICHAEL A. CARDOZO***

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Police Officer Andrew Zarkewicz  
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*Due and timely service is hereby admitted.*

*New York, N.Y. ...., 2008*

*..... Esq.*

*Attorney for .....*